

11-10-04

Attorney Docket No.: 20712-501 CON



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Edgar et al.
SERIAL NUMBER : 10/728,340 EXAMINER : Celia C. Chang
FILING DATE : December 4, 2003 ART UNIT : 1625
FOR : CNS TARGET MODULATORS

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Transmitted herewith for filing in the present application are the following documents:

1. Supplemental Information Disclosure Statement (2 pages), in duplicate;
2. Modified Form 1449/PTO (2 pages), in duplicate;
3. Return Postcard.

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 542-6000, Boston, Massachusetts.

The Commissioner is authorized to charge any fees that may be due, or to credit any overpayment, to the undersigned's account, Deposit Account No. 50-0311 Ref. No. 20712-501 CON. A duplicate copy of this transmittal letter is enclosed herewith.

Respectfully submitted,

Ivor R. Elrifi, Reg. No. 39,529
Heidi A. Erlacher, Reg. No. 45,409
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Date: November 9, 2004



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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicants hereby make of record the documents listed on the attached modified Form PTO-1449.

This Supplemental Information Disclosure Statement is being filed before the mailing date of a first Office Action based on the merits in the above-identified case. Accordingly, no fee or certification is believed required. Copies of the references are not provided as they were previously cited and submitted to the USPTO in a prior application, Serial No. 10/272,510, filed October 16, 2002 and relied upon for an earlier filing date under 35 U.S.C. §120 (continuation, continuation-in-part, and divisional applications).

It is respectfully requested that the Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims, and sign the enclosed form PTO-1449 to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application.

By submitting this Supplemental Information Disclosure Statement, the Applicants make no representation that: (1) a search has been performed, of the extent of any search performed, or that more relevant information does not exist; (2) the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b); and (3) the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

APPLICANTS: **Edgar et al.**
U.S.S.N.: **10/728,340**

Notwithstanding any statements by the Applicants, the Examiner is urged to form his/her own conclusion regarding the relevance of the cited information. An early and favorable action is hereby requested.

Please charge any fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 20712-501 CON.

Respectfully submitted,



Ivor R. Elrifi, Reg. No. 39,529
Heidi A. Erlacher, Reg. No. 45,409
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Date: November 9, 2004

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PTO/SB (12-97)

Approved for use through 9/30/00. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<p>Modified Form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)</p>		Application Number	10/728,340
		Filing Date	December 12, 2003
		First Named Inventor	Edgar
		Group Art Unit	1625
		Examiner Name	Celia C. Chang
		Attorney Docket Number	20712-501 CON

U.S. PATENT DOCUMENTS

Exam Initials	Cite No.	U.S. Patent Document No.	Issue Date	Name of Patentee(s) or Applicant(s)	Class	Sub Class	Filing Date If Appropriate
*A1	4,383,999	05/17/83	Bondinell et al.	424	266		
*A2	4,514,414	04/30/85	Bondinell et al.	514	422		
*A3	4,610,995	09/09/86	Coker et al.	514	343		
*A4	4,931,450	06/05/90	Sonnewald	514	326		
*A5	5,225,559	07/06/93	Kita et al.	546	194		
*A6	5,231,105	07/27/93	Shoji et al.	514	325		
*A7	5,801,175	09/01/98	Afonso et al.	514	254		
*A8	6,054,458	04/25/00	Jørgensen et al.	514	255		
*A9	6,174,898 B1	01/16/01	Weis et al.	514	315		
*A10	6,191,165 B1	02/20/01	Ognyanov et al.	514	523		
*A11	6,214,827 B1	04/10/01	Afonson et al.	514	252.13		
*A12	6,288,083 B1	09/11/01	Luly et al.	514	318		
*A13	6,288,084 B1	09/11/01	Luly et al.	514	318		
*A14	6,307,052 B1	10/23/01	Kita et al.	546	194		
*A15	6,503,926 B2	01/07/03	Luly et al.	514	318		

U.S. PUBLISHED APPLICATION DOCUMENTS

Exam Initials	Cite No.	U.S. Published Application No.	Published Date	Name of Patentee(s) or Applicant(s)	Class	Sub Class	Filing Date If Appropriate
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FOREIGN PATENT DOCUMENTS

Exam Initials	Cite No.	Foreign Patent Document Office Number	Name of Patentee(s) or Applicant(s)	Date of Publication	Translation Yes No
*B1	WO	95/01350	SUMITOMO METAL INDUSTRIES, LTD.	01/12/95	
*B2	WO	96/31478	SCHERING CORPORATION; PHARMACOPEIA, INC.	10/10/96	
*B3	WO	97/45115	TROPHIX PHARMACEUTICALS, INC.	12/04/97	
*B4	WO	00/14064	WANNER, KLAUS	03/16/00	Abstract only
*B5	WO	03/033489 A1	STC NARA CO., LTD.	04/24/03	
*B6	EP	0 335 586 A1	UBE INDUSTRIES, LTD.	10/04/89	
*B7	EP	0 399 414 A1	HOKURIKU PHARMACEUTICALS CO., LTD	11/28/90	
*B8	EP	0 949 260 B1	UBE INDUSTRIES, LTD; TANABE SEIYAKU CO., LTD.	10/13/99	

	*B9	JP	05-17442 A	HOKURIKU SEIYAKU CO., LTD	01/26/93	Abstract only	
	*B10	JP	05-17443 A2	HOKURIKU SEIYAKU CO., LTD	01/26/93	Abstract only	
	*B11	JP	05-294929 A	UBE IND. LTD	11/09/93	Abstract only	
	*B12	JP	2001-261553 A	TANABE SEIYAKU CO; UBE IND. LTD.	09/26/01	Abstract only	
	*B13	JP	2004-051600 A2	IYAKU BUNSHI SEKKEI KENKYUSHO:KK; OSAKA BIOSCIENCE INSTITUTE	02/19/04	Abstract only	

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS

Exam Initials	Cite No.	Name of Author, Title (when appropriate), Publication, Volume, Page(s), Date, Etc.
	*C1	Andersen et al. <i>J. Med. Chem.</i> , 36(12):1716-1725 (1993)
	*C2	Andersen et al. <i>J. Med. Chem.</i> , 42:4281-4291 (1999)
	*C3	Dhar et al. <i>Bioorg. Med. Chem. Lett.</i> , 6(13):1535-1540 (1996)
	*C4	Falch et al. <i>Eur. J. Med. Chem.</i> , 26:69-78 (1991)
	*C5	Iwasaki et al. <i>Chem. Pharm. Bull.</i> , 42(11):2276-2284 (1994)
	*C6	Iwasaki et al. <i>Chem. Pharm. Bull.</i> , 42(11):2285-2290 (1994)
	*C7	Muramatsu et al. <i>Chem. Pharm. Bull.</i> , 41(11):1987-1993 (1993)
	*C8	N'Goka et al. <i>J. Med. Chem.</i> , 34(8):2547-2557 (1991)
	*C9	Ohshima et al. <i>J. Med. Chem.</i> , 35(11):2074-2084 (1992)
	*C10	Patani et al. <i>Chem. Rev.</i> , 96(8):3147-3176 (1996)
	*C11	Yunger et al. <i>J. Pharmacol. Exp. Ther.</i> , 228(1):109-115 (1984)

* a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. 10/272,510, filed October 16, 2002, and relied upon for an earlier filing date under 35 U.S.C. §120 (continuation, continuation-in-part, and divisional applications).

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.